

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD DIVISION

CURTISTINE JOHNSON,

Plaintiff,

v.

Civil Action No. 1:07-0944

HARLEY LAPPIN, Director,  
Federal Bureau of Prisons, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on January 6, 2011, in which he recommended that the court do the following with respect to various motions:

1. **DENY** as moot the United States' "Motion to Dismiss Defendants Harry Lappin, Amber Nelson, Deborah Hickey and the Health Services Unit Staff (Neal Rehberg, D.O., Nurse Elmore and Nurse Renick) and Substitute the United States" (Document No. 10.);
2. **GRANT** the United States' "Amended Motion to Dismiss Defendants Harry Lappin, Amber Nelson, Deborah Hickey and the Health Services Unit Staff (Neal Rehberg, D.O. and Nurse

- Elmore) and Substitute the United States" (Document No. 17.);
3. **GRANT** the United States' Motion to Dismiss (Document No. 19.);
  4. **GRANT** Defendant Rehberg's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (Document No. 23.);
  5. **GRANT** Defendant Roanoke Memorial Hospital Staff and Roanoke Memorial Hospital Director's "Motion to Dismiss for Failure to State a Claim" (Document No. 26.);
  6. **GRANT** Defendant Dana Renick's "Motion to Dismiss Complaint" (Document No. 28.);
  7. **GRANT** Defendant "Greenbrier Valley Medical Center Director and Greenbrier Valley Medical Center Staff's Motion to Dismiss Complaint" (Document No. 34.);
  8. **DISMISS** Plaintiff's Complaint (Document No.1.) and **REMOVE** this matter from the Court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court **ADOPTS** the findings and recommendations contained therein with respect to the proposed disposition for each of the above-listed motions. Accordingly, the court:


1. **DENIES** as moot the United States' "Motion to Dismiss Defendants Harry Lappin, Amber Nelson, Deborah Hickey and the Health Services Unit Staff (Neal Rehberg, D.O., Nurse Elmore and Nurse Renick) and Substitute the United States" (Document No. 10.);
2. **GRANTS** the United States' "Amended Motion to Dismiss Defendants Harry Lappin, Amber Nelson, Deborah Hickey and the Health Services Unit Staff (Neal Rehberg, D.O. and Nurse Elmore) and Substitute the United States" (Document No. 17.);
3. **GRANTS** the United States' Motion to Dismiss (Document No. 19.);
4. **GRANTS** Defendant Rehberg's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (Document No. 23.);
5. **GRANTS** Defendant Roanoke Memorial Hospital Staff and Roanoke Memorial Hospital Director's "Motion to Dismiss for Failure to State a Claim" (Document No. 26.);

6. **GRANTS** Defendant Dana Renick's "Motion to Dismiss Complaint" (Document No. 28.);
7. **GRANTS** Defendant "Greenbrier Valley Medical Center Director and Greenbrier Valley Medical Center Staff's Motion to Dismiss Complaint" (Document No. 34.);
8. **DISMISSES** Plaintiff's Complaint (Document No.1.) and **DIRECTS** the Clerk to remove this matter from the Court's docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

It is **SO ORDERED** this 8th day of February, 2011.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge